

**Notice of Allowability**

Application No.

09/824,772

Examiner

Anh-Vu H. Ly

Applicant(s)

SEGUIN, LAURE

Art Unit

2616

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed December 08, 2006.
2.  The allowed claim(s) is/are 1-5, 7-10, 12, 14-16, 18-21, 24, 26-28, and 30-32 renumbered as 1-24.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Ward on December 27, 2006.

The application has been amended as follows:

***In The Claims***

8. (Currently Amended) ~~A UMTS mobile telephony system using the system of claim 1~~ The system of claim 5 wherein the system is a UMTS mobile telephony system.

15. (Currently Amended) A system for transmitting data over a physical resource, comprising:

    a first layer configured to manage the physical resource and to guarantee a quality of service;

    a first sub-layer configured to supply a transmission support in accordance with the quality of service and to segment the data into transmission units, the first sub-layer reducing a size of at least one of the transmission units when transmission conditions on the physical resource are degraded;

a second sub-layer configured to transmit at least one of the transmission units over the physical resource during each of transmission time intervals, the transmission time interval being a periodic time interval during which the second sub-layer is allowed to access the physical resource; and

a physical layer configured to perform error correction coding or decoding of the data, wherein the first layer guarantees the quality of service by assigning a set level to the ratio of received signal power to noise plus interference, and

in the case of degradation of the transmission conditions the transmission power of a transmitter is increased so as to maintain the quality of service, and

wherein the first layer allocates resources by reducing the set level of a low-priority service.

***Allowable Subject Matter***

2. Claims 1-5, 7-10, 12, 14-16, 18-21, 24, 26-28, and 30-32 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest that the first layer guarantees the quality of service by assigning a set level to the ratio of received signal power to noise plus interference, in the case of degradation of the transmission conditions the transmission power of a transmitter is increased so as to maintain the quality of service, and the size of each of the transmission units is reduced when the transmission power reaches a maximum value, as specified in independent claims 5 and 12.

The prior art does not teach or fairly suggest that the first layer guarantees the quality of service by assigning a set level to the ratio of received signal power to noise plus interference, in

the case of degradation of the transmission conditions the transmission power of a transmitter is increased so as to maintain the quality of service, and wherein the first layer allocates resources by reducing the set level of a low-priority service, as specified in independent claim 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

avl



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
1/4/07